



Agenda Date: 3/6/02  
Agenda Item: 3D

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
*Two Gateway Center*  
*Newark, NJ 07102*

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF )  
CABLEVISION OF MONMOUTH, INC. FOR )  
RENEWAL OF A CERTIFICATE OF )  
APPROVAL TO CONTINUE TO OPERATE )  
AND MAINTAIN A CABLE TELEVISION )  
SYSTEM IN THE BOROUGH OF )  
LAVALLETTE, COUNTY OF OCEAN, STATE )  
OF NEW JERSEY )

RENEWAL  
CERTIFICATE OF APPROVAL

DOCKET NO. CE01060387

Schenck, Price, Smith & King, Morristown, New Jersey, by James Eric Andrews, Esq., for the Petitioner.

Borough Clerk, Borough of Lavallette, New Jersey, by Kathleen Lavecchia, for the Borough.

BY THE BOARD<sup>1</sup>:

On November 9, 1981, the Board granted National Video Systems, Inc. ("National Video") a Certificate of Approval in Docket No. 7912C-6610 for the construction, operation and maintenance of a cable television system in the Borough of Lavallette ("Borough"). On March 3, 1986, the Board approved the transfer of the Certificate of Approval from National Video to Ocean Cablevision Associates ("OCA") in Docket No. CM860172. On March 30, 1988, the Board approved the transfer of the Certificate of Approval from OCA to Monmouth Cablevision Associates ("MCA"). On May 17, 1994, the Board approved the sale of MCA to Cablevision of Monmouth, Inc. ("Petitioner"), in Docket No. CM93120537. The Petitioner's Certificate expired on November 9, 1996, however, it is authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on September 4, 1996, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough held a public hearing on the application and adopted a renewal municipal consent ordinance on December 6, 1999. The Petitioner formally accepted the terms and conditions of the ordinance on April 17, 2001, in accordance with N.J.S.A. 48:5A-24.

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<sup>1</sup> Commissioner Carol J. Murphy did not participate in the deliberations or vote on this matter.

On June 22, 2001, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the Borough in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Board finds the duration to be reasonable.
5. The Petitioner shall provide the Borough with a list, no later than January 15th of every year, stating the municipalities of New Jersey from whom the Petitioner has a cable franchise. The Petitioner shall provide changes to the list within 30 days of any such change.
6. The Petitioner shall extend cable service to all sections of the Borough at standard and non-standard installation rates.
7. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
8. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance must specify a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
9. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at 501 Boulevard, in Seaside Heights Borough.
10. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
11. The Petitioner shall provide public, educational, and governmental ("PEG") access services, technical support, training and facilities as described in the application and the

municipal consent ordinance.

12. The Petitioner shall provide a full-time dedicated PEG access channel for the Borough. Based on need, the Petitioner shall provide up to two additional full-time dedicated PEG access channels for the use of the Borough upon 180 days advance written notice from the Borough. The need for the additional channels shall be based on the programming saturation as outlined in the ordinance.
13. The Petitioner shall provide access to a fully equipped studio, one SVHS camera, one camera battery and battery recharger, and one playback deck for use in the cablecasting of programming. The Petitioner shall also provide a bulletin board for the use of the Borough, for which the Petitioner shall provide the following equipment: a return line and character generator.
14. The Petitioner shall tape one Council meeting per month and provide a copy of such tape to the Borough for its archives. The Petitioner shall tape the Council meetings until such time that the Borough becomes proficient with the equipment that the Petitioner is providing for the cablecasting of programming, at that time, the Borough shall tape its own Council meetings.
15. The Petitioner shall provide, at no charge, the installation as well as basic and family monthly service to each municipal building in the Borough, including: a) Borough Hall, b) the rescue squad, c) police department, d) fire department, e) public works building, f) senior citizen center, and g) library.
16. The Petitioner shall provide, at no charge, the installation of up to 10 outlets and basic and family monthly service to each of the Borough's schools as part of the "Cable in the Classroom" Program. The Petitioner shall provide one 27-inch color television with a built-in VCR and 10 assorted educational videotapes to the Borough for use in its elementary/middle school.
17. The Petitioner shall provide one cable modem and Internet access to each school and library in the Borough, at no charge, when such service becomes available in the Borough. At such time as the Petitioner's policy permits it to provide free cable modems and/or Internet access to any other municipal buildings in the Borough, the Petitioner shall provide the same to those municipal buildings noted above in Finding No. 15.

Based upon these findings, the Board HEREBY CONCLUDES that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire November 9, 2006.

DATED: March 6, 2002

BOARD OF PUBLIC UTILITIES  
BY:

(signed)

JEANNE M. FOX  
PRESIDENT

(signed)

FREDERICK F. BUTLER  
COMMISSIONER

(signed)

CONNIE O. HUGHES  
COMMISSIONER

ATTEST:

(signed)

HENRY M. OGDEN  
ACTING BOARD SECRETARY